THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.26363 OF 2007

Date: 11.12.2007

Between:

M.A.Samad

. . .Petitioner

AND

Government of A.P. and another

. . .Respondents

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.26363 OF 2007

ORDER:

This writ petition is filed for a writ of mandamus to declare seizure of lorry bearing registration No.AP15 X 7686 under Vehicle Check Report No.2869379, dated 04.12.2007 by Motor Vehicle Inspector, Siddipet, Medak District as illegal and to direct the respondents to release the same.

From the material available on record, it is evident that the lorry belonging to the petitioner was seized on 04.12.2007 under Vehicle Check Report No.2869379 by Motor Vehicle Inspector, Siddipet, Medak District on the alleged ground that the actual weight of the lorry laden with sand exceeded the permitted weight by 10,140 kgs. In his affidavit, the petitioner claimed that he approached Secretary, Regional Transport Authority, Siddipet, Medak District with an application to release his vehicle.

At the hearing, learned Assistant Government Pleader for Transport stated that Secretary to Regional Transport Authority functions from Sanga Reddy, Medak District and not from Siddipet.

A copy of the fax application produced by the learned counsel for the petitioner during the hearing shows that the application was received by Registering Authority, Siddipet.

Learned Assistant Government Pleader clarified that the petitioner sent his application to Registering Authority, who is Assistant Secretary, and not to Secretary, who alone is competent

under Rule 448-B of Andhra Pradesh Motor Vehicle Rules, 1989 (for short 'the Rules').

Evidently, the petitioner was under mistaken impression that Assistant Secretary-cum-Registering Authority is the competent authority to release the vehicle. Since the petitioner has already availed the appropriate remedy, under Rule 448-B of the Rules, albeit before a wrong authority, I am not inclined to adjudicate this writ petition on merits. Instead, I dispose of the writ petition with the direction to Assistant Secretary-cum- Registering Authority, Siddipet to forward application, dated 07.12.2007 of the petitioner filed before him for release of lorry bearing No.AP15 X 7686 to Secretary, Regional Transport Authority, Sanga Reddy, Medak District, within two days from today and on receipt of the said application, the latter shall pass appropriate orders within two days thereafter. Ordered accordingly.

C.V.NAGARJUNA REDDY, J

11th DECEMBER, 2007

Note: furnish c.c. today.
B/o
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